



Montana Fish, Wildlife & Parks

1400 So. 19th Avenue
Bozeman, MT 59718

September 16, 2003

TO: Governor's Office, Todd O'Hair, State Capitol, Room 204, POB 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, POB 201704, Helena, MT 59620-1704
Dept. Environmental Quality, Metcalf Building, POB 200901, Helena, MT 59620-0901
Montana Fish, Wildlife & Parks:

Director's Office	Legal Unit	Parks Division
Wildlife Division	FWP Commissioners	Design & Construction
Enforcement Division	Lands Division	Fisheries Division

MT Historical Society, State Historic Preservation Office, POB 201202, Helena, MT 59620-1202

MT State Parks Association, POB 699, Billings, MT 59103

MT State Library, 1515 E. Sixth Ave., POB 201800, Helena, MT 59620

James Jensen, Montana Environmental Information Center, POB 1184, Helena, MT 59624

Janet Ellis, Montana Audubon Council, POB 595, Helena, MT 59624

George Ochenski, POB 689, Helena, MT 59624

Jack Atcheson, State Lands Coalition, 3210 Ottawa Street, Butte, MT 59701

Jerry DiMarco, POB 1571, Bozeman, MT 59771

Montana Wildlife Federation, POB 1175, Helena, MT 59624

Wayne Hurst, POB 728, Libby, MT 59923

Rep. Steve Gallus, 2701 Phillips St., Butte, MT 59701-4135

Skyline Sportsman's Association, POB 173, Butte, MT 59701

Anaconda Sportsman's Club, #2 Cherry, Anaconda, MT 59711

Jefferson Valley Sportsman's Association, POB 663, Whitehall, MT 59759

Bob Raney, 112 S. 6th St., Livingston, MT 59047

George Grant Chapter of Trout Unlimited, P.O. Box 563 Butte, MT 59703

Tim LaMarr, U.S. Forest Service, 1820 Meadowlark Lane, Butte, MT 59701

Ladies and Gentlemen:

Attached is the decision notice for the Norton Creek Westslope Cutthroat Trout Restoration Project. This project proposes to secure a westslope cutthroat trout population in the German Gulch drainage by removing nonnative brook trout from over three miles of Norton Creek. Five public comments were received after the Environmental Assessment was distributed on August 15th.

It is my decision to proceed with the removal of brook trout from Norton Creek as described in the Environmental Assessment. Further details are included in the attached decision notice.

Questions regarding this project should be directed to Ron Spoon, FWP Fisheries Biologist, Box 1137, Townsend MT 59644; (406) 266-4237; or fwprs@in-tch.com.

Sincerely,

Patrick J. Flowers
Region Three Supervisor

Silver Bow
Future Fisheries

Decision Notice

Norton Creek Westslope Cutthroat Trout Restoration Project

Proposal

The proposed project is intended to help secure a westslope cutthroat trout (WCT) population in the German Gulch drainage by reducing competition from nonnative trout. Nonnative brook trout will be removed from over 3 miles of Norton Creek using mechanical removal methods including electrofishing and trapping. A temporary barrier to upstream migration will also be constructed at the lower end of the project to prevent nonnative trout reinvasion. The project is part of a variety of efforts within the overall German Gulch drainage to protect and enhance westslope cutthroat trout.

Environmental Policy Act Process

Montana Fish, Wildlife & Parks (FWP) is required to assess potential impacts of the proposal to the human and physical environment. In compliance with requirements of the Montana Environmental Policy Act (MEPA), an Environmental Assessment (currently available from Ron Spoon, 406-266-4237) was completed for the proposed project by FWP and released for public comment on August 15, 2003.

Public comments on the project were taken for 31 days and a public meeting regarding this project was held in Butte on August 28, 2003. The Environmental Assessment was mailed to 22 individuals and groups on the FWP MEPA mailing list. Legal notices announcing the availability of the EA were published in the Butte Standard and Anaconda Leader. The EA was also available on the FWP web site.

Issues raised during the public comment period on the EA are addressed in the comment section of this Decision Notice. There are no modifications to the Draft Environmental Assessment based on public comment, and the Draft Environmental Assessment and this Decision Notice together serve as the final document for this proposal.

Summary of Issues Addressed in the Environmental Assessment

The Environmental Assessment lists the issues in detail. These include:

- Threats to WCT in Montana and in the German Gulch drainage
- Current distribution of WCT in Norton Creek and German Gulch
- Methodology of WCT nonnative brook trout removals
- Restoration objectives for WCT in the German Gulch drainage

Summary of Public Comment

At the close of the comment period, September 15, 2003, FWP had received four written and one verbal comment. No people attended the public meeting in Butte on August 28, 2003.

Public Comments on the Proposal

Comment #1. "Our Montana Inc. supports the German Gulch Project. We have no suggestions on how to improve the project."

Response: Noted

Comment #2. "We (Montana Historical Society) feel there is a low likelihood cultural resources will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time." SHPO Project #: 2003081809

Response: Noted

Comment #3. "I am opposed to using fish toxicants in Norton Creek in the future as discussed in the EA, but I am not opposed to FWP proceeding with the project using electrofishing as a removal tool."

Response: Controversy over using fish toxicants is one reason FWP proposed to reduce brook trout numbers via electrofishing during the next 5 years. The need for proceeding with use of fish toxicants will be evaluated during the next 5 years of electrofishing removals and a new Environmental Assessment would be necessary before any toxicants would be applied.

Comment #4. "I am opposed to using fish toxicants in Norton Creek and believe pet projects such as the Norton Creek project are a waste of FWP resources. The fishery should be managed as it has in the past and I disagree that toxicants may be needed in the future."

Response: As stated in Response #3, no toxicants can be applied under the current EA. The potential need for using toxicants in the future will be based on the effectiveness of electrofishing removals. This assessment will take at least 3 years as FWP determines the effectiveness of electrofishing removals and monitors response of the cutthroat trout population. A positive response by the cutthroat trout population has been observed in numerous projects similar to the proposed effort in Norton Creek, and a positive response is also expected with the Norton Creek Project. Past management has done nothing to prevent brook trout from competing with native cutthroat trout and it is not consistent with the mission of FWP to ignore the decline of a native species designated as a species of special concern. Water quality problems in German Gulch and Beefstraight Creek pose risks to the cutthroat populations in these nearby streams and fishery managers have limited ability to reduce risks due to selenium and cyanide in surface waters. Brook trout competition, however, is a risk factor for cutthroat trout that FWP has some ability to manipulate. Consequently, the priority of initiating the Norton Creek proposal became high enough for FWP and the Forest Service to begin allocating limited resources and manpower.

Comment #5. "Where is the money coming from for these experiments? What are the agreements with the contributor like Turner?"

Response: The funding for the Norton Creek Project is coming from Montana Fish, Wildlife and Parks and the USDA Forest Service, as described on page 14 of the Environmental Assessment. We assume the commenter is referring to Ted Turner with his reference to "Turner". Ted Turner has no role in the Norton Creek project and there are no agreements with him related to that project.

Comment #6. "Will public access be restricted?"

Response: There are no restrictions to public access associated with the Norton Creek project.

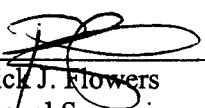
Comment #7. "Will other multiple-uses be restricted, such as livestock grazing, timber harvesting, etc?"

Response: Livestock will be fenced out of the riparian area on the lower 1-2 miles of the drainage. There is no restriction in timber harvest associated with the Norton Creek project.

Decision

Based on the Environmental Assessment, public comment, and the risk of further population decline of westslope cutthroat trout in Norton Creek, it is my decision to proceed with the removal of nonnative brook trout from Norton Creek. This project is consistent with statewide conservation and restoration strategies, goals and objectives as outlined in the Memorandum of Understanding and Conservation Agreement for Westslope Cutthroat Trout in Montana signed in 1999.

I find there to be no significant impact on the human or physical environment associated with this project, except to promote the long-term persistence of westslope cutthroat trout in Norton Creek and the German Gulch drainage. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.


Patrick J. Flowers
Regional Supervisor

9/16/03